

III. REMARKS

Status of the Claims

Claims 1, and 5-15 are amended to correct awkward phraseology due to translation and to improve form. Claims 1-15 and 19-22 remain under consideration.

Summary of the Office Action

Claims 1,2,9,15,20, and 22, stand rejected under 35USC102(e) on the basis of the cited reference Taylor, U.S. Publication No.20030025679. Claims 4,10 and 19 stand rejected under 35USC103(a) on the basis of the cited reference Taylor in view of the reference Harris, U.S. Patent No. 6,164,531. Claims 3,6-8,12, and 21 stand rejected under 35USC103(a) on the basis of the cited reference Taylor in view of the reference Riddiford, U.S. Patent No. 6,587,675. The Examiner is respectfully requested to reconsider his rejections in view of the following remarks. Claims 5 and 11 are indicated to contain patentable subject matter, if written in independent form.

Responsive Remarks

The device described in the claims of this application utilizes a touch screen-style user interface in fixed operative relation with a flexible keyboard. There is one mode of operation of the keyboard and that is through the touch screen. It is the touch screen that generates the signals in response to a key being depressed.

Discussion of the Cited References

The Examiner relies primarily on the reference Taylor to support the rejections based on anticipation and obviousness. Taylor discloses a system for positioning a proximity sensitive touchpad behind a mobile phone keypad. The touchpad is

disposed directly beneath a keymat of the keypad of a mobile telephone, wherein posts associated with each key pass through a mutually capacitance-sensitive sensor electrode grid of the touchpad such that the keypad posts do not interfere with touchpad detection and tracking of a pointing object that moves along the keypad surface. The touchpad have apertures through which the posts of the keys can pass through the touchpad. The operation of the touchpad is not to detect key presses but to enable the detection and movement of a pointing object on the surface of the touchpad. The Examiner's attention is directed to the abstract and in particular figure 2. The keypad function is described, in paragraph 0046 as follows:

"What is important to recognize in FIG. 2 is that the key 20
must be capable of easy actuation of a mechanical switch 32 in
order for the mobile telephone to be usable. In other words, the
touchpad should not interfere with operation of the plurality of keys
20. But in order to provide touchpad functionality, the touchpad
26 must be located as close to the keymat 22 and the key 20 as
possible. In this preferred embodiment, a novel aspect of the
invention is that the aperture 28 makes operable the configuration of
the keypad 18 shown in FIG. 2."

The cited reference Taylor therefore, does not support the rejections under 35USC102 or 35USC103. Taylor does not disclose a significant element of the claims.

Nevertheless, Applicant submits that the subject matter of the cited reference on which the Examiner relies is only entitled to an effective filing date of June 6, 2002 or at best June 6, 2001 based on the provisional application No. 60/296,414. The cited subject was not contained in either of application serial nos. 09/603,417 (now U.S. Patent No. 6,730,863) or 09/656,522 from which the application of the cited reference claims priority. The effective filing date of the cited subject matter, therefore, is well after the filing date of this application, namely, November 20, 2000. Applicant submits that it is not an effective

reference with regard to the subject application.

The Issue of Anticipation

The anticipation analysis requires a positive answer to the question of whether the system of Taylor would infringe the claims of this application if it were later.

Claim 1 of this application includes the following element:

"a keyboard plate fixed over the touch sensitive element so that the depression of a key of the keyboard plate causes said key to touch the touch sensitive element essentially at a position on the touch sensitive element corresponding to the point of the key."

Since this capability is not present in the system of the reference Taylor, there can be no infringement of the subject claims. Therefore the teaching of Taylor does not support the rejection based on anticipation with respect to any of the claims.

Since, in the system of Taylor, the key post 24 of keypad 20 does not touch the touchpad 26, it cannot function the same as the keyboard plate as described above. Taylor, therefore does not disclose a keyboard plate as described in claim 1. Equivalent language is contained in the other independent claims 5, 9, and 15 of this application. Accordingly this argument applies equally to all of the claims.

The Issue of Obviousness

It is well settled that in order to establish a *prima facie* case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference Taylor or its failure as and effective reference are not remedied by the proposed combination with the teaching of the references Harris or Riddiford. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Taylor, Harris, and Riddiford in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

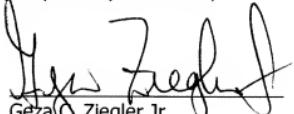
The above arguments apply equally to the rejected dependent claims.

SUMMARY

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a one-month extension of time and any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



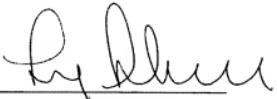
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